

EXHIBIT K

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR,)
FERNANDO AGUIRRE-URBINA,)
individually and on behalf of)
all those similarly situated,)
)
Plaintiffs/Counter-Defendants.)
)
vs.) NO. 3:17-CV-05769-RJB
)
THE GEO GROUP, Inc.,)
)
Defendant/Counter-Claimant.)

DEPOSITION UPON ORAL EXAMINATION OF DEBRA JEAN EISEN

Friday, December 13, 2019
Tumwater, Washington

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

1 APPEARANCES:

2 FOR THE DEFENDANT:

3 MS. JOAN MELL
4 III Branches Law
1019 Regents Blvd., Suite 204
Fircrest, WA 98466

5 FOR THE STATE OF WASHINGTON:

6 MS. MARSHA CHIEN
7 ASSISTANT ATTORNEY GENERAL
800 Fifth Avenue, Ste. 2000
Olympia, WA 98104-3188

8 FOR DEPARTMENT OF CORRECTIONS:

9 MS. KATIE FABER
10 ASSISTANT ATTORNEY GENERAL
11 P.O. Box 40116
Olympia, WA 98504-0116

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

1 **A No. If we're talking about Department of Corrections.**

2 Q But we're not, are we? We say state procurement, correct?

3 MS. CHIEN: Object to form.

4 **A Well, my understanding is these matters have to do with the**
5 **Department of Corrections.**

6 Q (By Ms. Mell) Why would you think that? Is there anything
7 in either 18 or 19 that refers to DOC at all?

8 **A No, but let's see. There is the rest of the subpoena, and**
9 **there is reference to GEO Group, and we have issued a**
10 **contract. We did have a contract with GEO Group.**

11 Q What kind of contract did you have with Geo Group?

12 **A For housing of offenders out of state.**

13 Q Okay. Did you have a contract with GEO to house offenders
14 wherever they're housed?

15 **A Out of state.**

16 Q Why was it out of state?

17 **A That was, I guess, where GEO Group was available to house**
18 **overflow offenders.**

19 Q So within the contract that you had with the Geo Group, did
20 that include giving GEO access to the labor of the
21 incarcerated individuals?

22 MS. CHIEN: Object to form.

23 **A Well, there was a provision in the contract regarding if**
24 **offenders -- that offenders could work, yes.**

25 Q (By Ms. Mell) Okay. At subminimum wages?

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

1 **A Yes.**

2 Q And was it deemed necessary from the State's perspective to
3 authorize detainee work in order to maintain the safety and
4 security of those detainees?

5 MS. CHIEN: Object to form.

6 **A I can't speak to that.**

7 Q (By Ms. Mell) Why would you include it in the contract?

8 **A The ability to have offenders work is in every contract we**
9 **have with another entity to house offenders.**

10 Q Why is it in there?

11 **A My opinion, my belief, not speaking -- well, I am speaking**
12 **for the agency. So I will say that there is an idleness**
13 **concern that offenders are occupied during their**
14 **incarceration --**

15 Q So is it --

16 **A -- in addition to programming whatever else is available.**

17 Q Is that a policy choice of the State of Washington?

18 MS. CHIEN: Object to form.

19 **A I cannot speak to that.**

20 Q (By Ms. Mell) Is it a policy choice of the Department of
21 Corrections?

22 **A It is a safety and security choice for the Department of**
23 **Corrections.**

24 Q And the Department of Corrections does not require
25 contractors like GEO to pay minimum wage to the detainees

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

1 GEO detains or houses?

2 MS. CHIEN: Object to form.

3 **A The Department of Corrections is exempted from having to**
4 **abide by minimum wage for offenders.**

5 Q (By Ms. Mell) Therefore, the Department of Corrections
6 extends the same exemptions to its contractors, like GEO,
7 who are housing its detainees?

8 MS. CHIEN: Object to form. You're testifying
9 for her again.

10 Q (By Ms. Mell) Is that correct?

11 **A Please repeat that.**

12 Q Is it correct that the State of Washington DOC extends the
13 same exemption from the Minimum Wage Act to private
14 corporations like GEO who do the Department of Corrections
15 work for it with respect to Washington detainees?

16 MS. CHIEN: Object to form.

17 **A The Department extends all of its legal requirements to all**
18 **of its contractors --**

19 MS. CHIEN: I'm sorry, I'm going to object to
20 the extent --

21 MS. MELL: You cannot. You cannot. You need to
22 stop doing that.

23 MS. CHIEN: -- to the extent you're asking a
24 legal question, so she is not a legal designee. I'm making
25 an objection on legal grounds.

NWAUZOR vs GEO GROUP
Debra Eisen, 12/13/2019

1 MS. MELL: I would ask you not to interrupt the
2 witness when she's talking.

3 Q (By Ms. Mell) Do you know where you left off?

4 THE WITNESS: Shall I proceed?

5 MS. CHIEN: Yes.

6 A The Department extends all of its legal or RCW requirements
7 to all of its contractors because it must abide by the law
8 for the Department.

9 Q (By Ms. Mell) So the State of Washington would not
10 consider GEO's use of Washington State individuals in
11 detention at subminimum wages a violation of the Minimum
12 Wage Act?

13 MS. CHIEN: Object to form. Legal question.
14 She's not a legal authority.

15 A Say that again, please.

16 Q (By Ms. Mell) The State of Washington Department of
17 Corrections does not consider GEO's use of detainee labor
18 at subminimum wages pursuant to its DOC contract a
19 violation of the Minimum Wage Act?

20 MS. CHIEN: Objection --

21 A The Department is not subject --

22 MS. CHIEN: Sorry. You have to give me an
23 opportunity to object.

24 THE WITNESS: I'm sorry.

25 MS. CHIEN: Object to the extent it calls for a